



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
New Jersey State Board of Optometrists  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



JOHN J. HOFFMAN  
Acting Attorney General

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Acting Director

**Mailing Address:**  
P.O. Box 45012  
Newark, NJ 07101  
(973) 504-6440

May 5, 2014

### CERTIFIED MAIL REGULAR MAIL

Maty Youngewirth, O.D.  
Lens Lab Express  
193 Rte 17 South  
Paramus, New Jersey 07652

Re: Offer of Settlement in Lieu of Filing a  
Formal Disciplinary Complaint:  
I/M/O Maty Youngewirth, O.D.

Dear Dr. Youngewirth:

This letter is to advise you that the New Jersey State Board of Optometrists ("the Board") has had an opportunity to review information concerning the optometric services you provided to various patients including E.B. P.C., B.B., J.W. and J.M. during April and May 2013 while employed as an Independent Doctor of Optometry at TestRite Opticians located at 1120 Livingston Town Center in Livingston, New Jersey. The information included the patient records and your testimony provided at an investigative inquiry held on February 19, 2014, which you attended with your attorney, James Schragger, Esquire.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you violated N.J.S.A. 45:12-9 in that you practiced optometry at TestRite Opticians located in Livingston, NJ without a branch license. You testified that you practiced optometry at the Livingston, NJ location of TestRite Opticians from January 2013 through January 2014. The Board's records demonstrated that you were issued a branch license for the Livingston location on September 27, 2013. Therefore, you practiced at this location for 9 months without a branch license in violation of N.J.S.A. 45:12-9.

The Board's review of the patient records indicated that color vision, stereo and kerotonometry readings for patients P.C., B.B., J.M and E.B were not recorded in the patient record of the eye examination as required by the minimum examination regulation at N.J.A.C. 13:38-2.1(a) 2, 5, 8 and 9. Your testimony was that these tests were performed but not recorded in the patient record.

At this juncture, the Board has preliminarily concluded that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and therefore avoid the initiation of disciplinary proceedings, should you consent to:

1. A formal reprimand for your violation of N.J.S.A. 45:12- 9 for engaging in the practice of optometry at a location for which you had not obtained a branch license.
2. Pay a civil penalty in the amount of \$1000. for violation of N.J.S.A. 45:12-9 and N.J.A.C. 13:38-2.1(a)2, 5, 8 and 9. Payment shall be due upon signing of the acknowledgement below. The payment shall be made by certified check or money order and made payable to the State of New Jersey, Board of Optometrists and sent to the attention of Renee Clark, Executive Director, P.O. Box 45012, Newark, New Jersey 07101.
3. Pay costs incurred by the Board in the amount of \$89.25 which represents investigative costs. The payment shall be made by certified check or money order and made payable to the attention of Renee Clark, Executive Director, P.O. Box 45012, Newark, New Jersey 07101.

If you are willing to settle this matter on the offered terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.

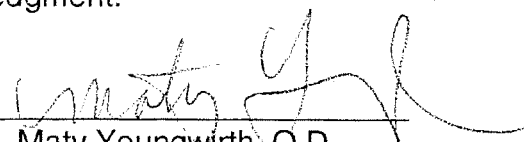
In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of formal disciplinary action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted the Board will either conduct the hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order, requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact James Schragger, Esquire and have him contact Deputy Attorney General Carmen A. Rodriguez, who may be reached at 973-648-3696.

If you agree to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's office for the initiation of formal disciplinary action.

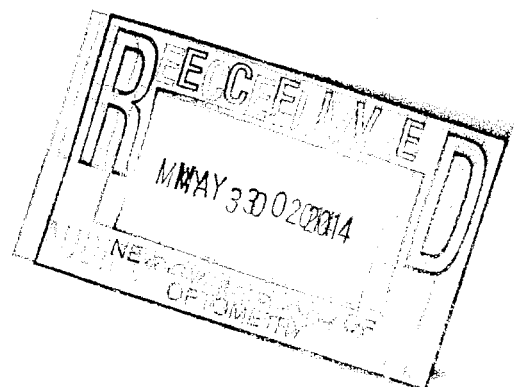
NEW JERSEY STATE BOARD OF  
OPTOMETRISTS

By:   
Renee Clark  
Executive Director

ACKNOWLEDGMENT: I, Maty Youngewirth, O.D., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to the terms of the settlement offer, including a public reprimand, a civil penalty of \$1000 and payment of costs to the Board in the amount of \$89.25 upon signing of this acknowledgment.

  
Maty Youngewirth, O.D.

C: James Schragger, Esquire  
Carmen A. Rodriguez, DAG



 **PAID**  
\$89.25  
10/14/14  
1001-9120202562